

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
- - - - - x  
UNITED STATES OF AMERICA

:  
-v.- : NOLLE PROSEQUI  
ABRAHAM AIZENBERG, :  
MARTIN GOLDSTEIN, : 07 Cr. 389 (RJS)

Defendants. :  
:  
- - - - - x

1. The filing of this nolle prosequi will dispose of this case with respect to MARTIN GOLDSTEIN, the defendant.

2. On May 7, 2007, Indictment 07 Cr. 389 was entered, charging ABRAHAM AIZENBERG and MARTIN GOLDSTEIN, the defendants, with theft of Government funds, in violation of Title 18, United States Code, Sections 641 and 2.

3. On October 11, 2007, the Government and MARTIN GOLDSTEIN, the defendant, entered into a deferred prosecution agreement. Under that agreement, the Government agreed to defer prosecution for a period of six months and to forgo further prosecution if the defendant abided by the terms and conditions of the agreement during that period.

4. On April 18, 2008, the Pretrial Services Officer informed the Government that MARTIN GOLDSTEIN, the defendant, successfully completed the period of deferred prosecution.

5. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant MARTIN GOLDSTEIN, the defendant, with respect to Indictment 07 Cr. 389.

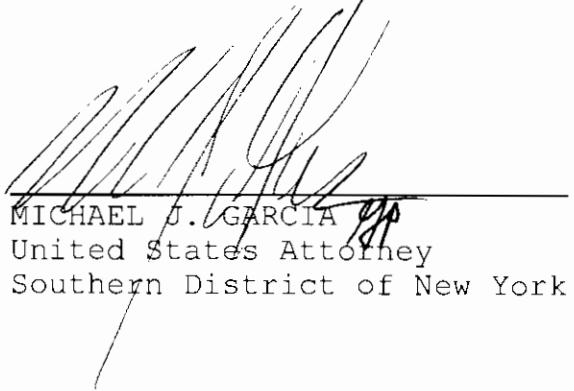


---

David A. O'Neil  
Assistant United States Attorney  
(212) 637-2533

Dated: New York, New York  
April 29, 2008

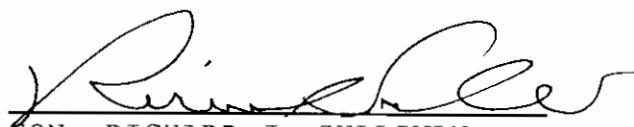
Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to MARTIN GOLDSTEIN, the defendant, with respect to Indictment 07 Cr. 389.



MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

Dated: New York, New York  
April 30, 2008

SO ORDERED:



HON. RICHARD J. SULLIVAN  
United States District Judge  
Southern District of New York

Dated: New York, New York  
May 5, 2008